**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 1347 OF 2006**

Mustakin Habibulla Chaudhari. ...Applicant
V/s.
State of Maharashtra. ...Respondent

Shri Uday Warunjikar for Applicant.
Ms.M.M. Deshmukh, APP for the State.

**CORAM : V.M. KANADE, J.**

**DATED : APRIL 19, 2006**

**P.C. :-**

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested in connection with an offence punishable under Sections 395, 342, 412 of the IPC. The chargesheet has been filed.

2. It is alleged that the property which was stolen in the dacoity which was committed on 16th July, 2005 was recovered from the present applicant and was found in his residence.

3. Learned Counsel for the applicant submits that

taking into consideration the allegations which are made and the chargesheet which is already filed, at the highest, it can be said that the applicant was a receiver of the stolen property. The entire property to the tune of Rs.29,92,000/- has been recovered form his residence.

4. Learned APP vehemently opposed the said application for grant of bail. She submitted that the applicant clearly had knowledge about the said goods which were found in his premises as stolen goods and therefore, his involvement in the commission of the offence of dacoity cannot be ruled out and therefore, the applicant is not entitled to be released on bail.

5. I am unable to accept the submission made on behalf of the State. The chargesheet has been filed. Prima facie, it appears that the applicant has received the property which was stolen by the other accused. Prima facie, therefore, offence under Sections 395, 342 is not attracted so far as the present applicant is concerned. In any event, since the chargesheet has been

filed, the continued detention of the applicant in prison, in my view, is not necessary.

6. The applicant be released on bail in the sum of Rs.25,000/- with one or two sureties in the like amount. The applicant shall report to the concerned police station twice in a month.

7. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

8. The trial Court shall not be influenced by any observations made by this Court while deciding the application and the same shall not be construed as an expression of opinion on merits of the case.

. The application is disposed of.

**(V.M. Kanade, J.)**